

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: <b>Fukushima, et al.</b>	Group Art Unit: National Stage Filing
Serial No.: <b>10/525,096</b>	Examiner:
Filed: 02/18/2005	
Title: <i><b>Preventive Therapeutic Composition for Muscular Fatigue, Pulled Muscle and Disease Attributed Thereto</b></i>	Atty. Docket No. SDF 05-3

**PETITION UNDER RULE 181 and 182**

Commissioner of Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition requesting that the National Stage filing date of U.S. Serial no. 10/525,096 (International Application No. PCT/JP03/10047) be changed from February 22, 2005 to February 18, 2005.

Enclosed is a copy of "Notification of Missing Requirements" which indicates that the copy of the International Application (This National Stage Application) was filed on 2/22/2005.

On February 18, 2005 the undersigned attorney filed a National Stage application as entitled above along with a Preliminary Amendment, Information Disclosure Statement, and Certificate of Mailing by Express Mail. According to Rule 1.10, correspondence received by the U.S.P.T.O. delivered by express mail to the U.S. Postal Service (USPS) will be considered filed with the U.S.P.T.O. on the date of deposit with the USPS.

**RECEIVED**  
19 SEP 2005  
Legal Staff  
International Division

Enclosed is a copy of the receipt card stamped by the U.S.P.T.O. listing the enclosure of the National Stage Application along with the Certificate of Mailing by Express Mail.

Also enclosed is a copy of the Certificate of Mailing by Express Mail signed by the undersigned attorney and dated February 18, 2005. An Express Mail mailing label number of EO 907648960 US is included on the Certificate of Mailing.

Also enclosed is a copy of the "Customer Online Record" received from the USPS and having a "date in" of February 18, 2005. The "Online Record" has a Certificate of Mailing number of EO 907648960 US.

Accordingly in as much as the National Stage application as well as accompanying parts were mailed by Express Mail from the USPS on February 18, 2005, the undersigned attorney and petitioner kindly requests that the National Stage application, U.S. Serial No. 10/525,096 be given a National Stage filing date of February 18, 2005.

7/18/2005  
Date

Respectfully submitted,

SD Frenkel

Stuart D. Frenkel  
Reg. No. 29,500

Law Office of Stuart D. Frenkel, P.C.  
3975 University Drive, Suite 330  
Fairfax, VA 22030  
Telephone (703) 246-9641  
Facsimile (703) 246-9646



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,096	Fukushima	JP-A0330-AM

INTERNATIONAL APPLICATION NO.
PCT/JP03/10047

Law Office of Stuart D Frenkel  
 3975 University Dr  
 Suite 330  
 Fairfax, VA 22030

I.A. FILING DATE	PRIORITY DATE
08/07/2003	08/21/2002

**CONFIRMATION NO. 5637**  
**371 FORMALITIES LETTER**



\*OC000000016494553\*

Date Mailed: 07/12/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/22/2005
- English Translation of the IA filed on 02/22/2005
- Copy of the International Search Report filed on 02/22/2005
- Copy of IPE Report filed on 02/22/2005
- Preliminary Amendments filed on 02/22/2005
- Information Disclosure Statements filed on 02/22/2005
- Request for Immediate Examination filed on 02/22/2005
- U.S. Basic National Fees filed on 02/22/2005
- Priority Documents filed on 02/22/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,096	PCT/JP03/10047	JP-A0330-AM

FORM PCT/DO/EO/905 (371 Formalities Notice)

Filed: February 18, 2005

DT07 Rec'd PCT/PTO 2 2 FEB 2005

Preventive Therapeutic Composition for Muscular Fatigue, Pulled Muscle and Disease  
Attributed Thereto  
Fukushima et al.

Transmittal Letter to the United States DO/EO/US Concerning a Submission  
under 35 USC 371

29-page specification

4 Sheets of Drawings

Transmittal Letter

5-page Preliminary Amendment

Transmittal of IDS

Form PTO-1449

2 Cited References

Certificate of Mailing by Express Mail


Check for \$1,050.00

10/525096

SDF 005-03

February 18, 2005

BEST AVAILABLE COPY

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. JP-A0330-AM	
Applicant(s): Fukushima et al.				
Application No.	Filing Date 2/18/2005	Examiner	Customer No.	Group Art Unit
Invention: Preventive Therapeutic composition for Muscular Fatigue, Pulled Muscle and Disease Attributed Thereto				
I hereby certify that the following correspondence:				
National Stage Application, IDS, Check for \$1050, Preliminary Amendment				
(Identify type of correspondence)				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
<u>February 18, 2005</u> (Date)				
<u>Stuart D. Frenkel</u> (Typed or Printed Name of Person Mailing Correspondence)				
<u></u> (Signature of Person Mailing Correspondence)				
<u>EO 907 648 960 US</u> ("Express Mail" Mailing Label Number)				
Note: Each paper must have its own certificate of mailing.				

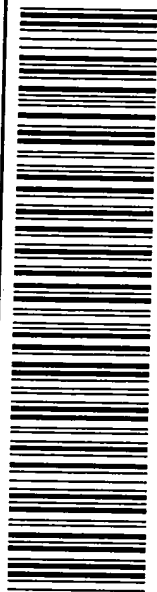
section. This Online Label and Online Record must be presented to Postal personnel for acceptance processing to receive the service guarantee and be eligible for a service related refund. This completed and round-dated Online Record must be submitted with refund application.

**EXPRESS MAIL**  
UNITED STATES POSTAL SERVICE ®

# CUSTOMER Online Record

DO NOT MAIL

<b>ORIGIN (POSTAL USE ONLY)</b>			
PO ZIP Code 22030	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	
Date In Mo. 2 Day 18 Year 25	<input type="checkbox"/> 12 NOON <input type="checkbox"/> 3 PM	Postage \$17.85	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Address to PO Box <input type="checkbox"/>	Return Receipt Fee	
Weight lbs 0 ozs 9	Contents Value	COD Fee	Ins. Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$17.85	



EO 907 648 960 US

☐ **WAIVER OF SIGNATURE** (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

Mailer's Signature

<b>CUSTOMER INFORMATION</b>		(Label 1 of 1)	
<b>FROM:</b> STUART D FRENKEL LAW OFFICE OF STUART D. FRENKEL, P.C. SUITE 330 3975 UNIVERSITY DRIVE FAIRFAX VA 22030		<b>Transaction Number:</b> 41767774 <b>Paid Online.</b>	
<b>TO:</b> MAIL STOP PCT COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450		<b>PHONE:</b> _____ L J	
Label 11-D June 2001 FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com			

**USPS Employee:** For service failure refunds, follow existing refund procedures. Attach the Customer Online Record to the PS Form 3533 and send copies of both to the Express Mail Office for recording.